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OFFICE OF PETITIONS

In re Application of :
David Welch :
Application No. 10/622,438 : DECISION GRANTING PETITION
Filed: 18 July, 2003 :
Attorney Docket No. 2336 :
:

This is a decision on the petition filed on 2 February, 2004, requesting that the above-identified application be accorded a filing date of 18 July, 2003, instead of the presently accorded filing date of 17 July, 2003.

The petition is **GRANTED**.

Petitioners assert that the application was deposited in Express Mail service on 18 July, 2003. In support of petitioners' contention that the application was deposited in Express Mail Post Office to Addressee Service on 18 July, 2003, petitioners supplied, with the present petition, a copy of Express Mail Customer Label No. EV333549632US (the same Express Mail number found on the itemized transmittal sheet filed with the original application papers located in the official file). The Express Mail label bears a "date-in" of "7-18-03".

The Office considers the date the paper or fee is shown to have been deposited in "Express Mail" to be the "Date-in" on the Express Mail label.¹ That is the date that verifies that the package was actually mailed. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on 18 July, 2003.

In view of the above, the application is entitled to a filing date of 18 July, 2003.

The petition is granted. The petition fee of \$130.00 is unnecessary and will be credited to counsel's deposit account, No. 21-0765.

¹MPEP 513.

The application is being returned to Office of Initial Patent Examination for reprocessing with a filing date of 18 July, 2003, not 17 July, 2003, and for issuance of a corrected Filing Receipt.

Telephone inquiries may be directed to the undersigned at 703-308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions